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17 Attorney for Plaintiff  
18 DENNIS N. MINIHANE

19 **UNITED STATES DISTRICT COURT**  
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 DENIS NEIL MINIHANE,  
22 PLAINTIFF,  
23 v.  
24 FEDERAL EXPRESS  
25 CORPORATION, a Delaware  
26 corporation, and DOES 1-20,  
27 Inclusive,  
28 DEFENDANTS.

**CASE NO.: C 11-01921 JSW**

HON. JUDGE JEFFREY S. WHITE  
COURTROOM 11

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE EXPERT  
DISCOVERY DEADLINES**

Complaint Filed: March 14, 2011  
Trial Date: August 27, 2012

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30 Counsel for Plaintiff and counsel for Defendant have conferred regarding the  
31 matters addressed in this Stipulation and Proposed Order and respectfully request that  
32 this Court continue the expert witness discovery deadlines as set forth herein.

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1 I. RECITALS

2 WHEREAS, on **February 29, 2012**, this Court designated, on its own motion,  
3 David Kelley to mediate the within matter pursuant to Northern District local rules;

4 WHEREAS, counsel and mediator, David Kelley, have set the mediation date  
5 in this matter for **May 2, 2012**;

6 WHEREAS, previous to **February 29, 2012**, this Court designated **April 29, 2012**,  
7 as the deadline to exchange expert witness reports; **May 29, 2012**, as the  
8 deadline to exchange expert rebuttal information; and **June 29, 2012**, as the expert  
9 witness discovery cut-off;

10 WHEREAS, this matter is set for trial on **August 27, 2012**;

11 WHEREAS, the parties and counsel agree that it makes sense to continue all  
12 expert witness discovery deadlines by two weeks, to allow the parties the opportunity  
13 to resolve this matter out-of-court on **May 2, 2012**, before expending money, time,  
14 and resources on expert witness reports and discovery.

15 WHEREAS, counsel and the parties agree that a two-week extension of the  
16 expert witness discovery deadlines will neither conflict with nor have any effect on  
17 the trial date in this matter, set for **August 27, 2012**.

18 II. STIPULATIONS

19 The parties, by and through counsel, hereby stipulate to continue the deadline to  
20 exchange expert witness reports from **April 29, 2012**, to **May 14, 2012**; the deadline  
21 to exchange expert rebuttal information from **May 29, 2012**, to **June 12, 2012**; and  
22 the deadline for expert witness discovery (“cut-off”) from **June 29, 2012**, to **July 13, 2012**.

23 DATED: April 17, 2012

24 By: /S/ David. S. Wilson, III

25 DAVID S. WILSON, III  
26 Attorney for Defendant  
27 FEDERAL EXPRESS CORPORATION



1 DATED: April 17, 2012

By: /S/ Mark C. Le Clerc

2 MARK C. LE CLERC  
3 Attorney for Plaintiff  
4 DENIS NEIL MINIHANE

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6 III. [PROPOSED] ORDER

7 IT IS SO ORDERED.

8 DATED: April 18, 2012

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13 HON. JUDGE JEFFREY S. WHITE  
14 UNITED STATES DISTRICT JUDGE

*Jeffrey S. White*